

# **ADR CHAMBERS OMBUDS OFFICE**

**OMBUDSMAN FOR THE REGIONAL MUNICIPALITY OF  
DURHAM**

**2017**

***ANNUAL REPORT***

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## MESSAGE FROM THE OMBUDSMAN

I am pleased to provide our first Annual Report for the Regional Municipality of Durham.

ADR Chambers has been providing Ombudsman Services for the Municipality for approximately one and a half years.

Ombudsman services are provided to ensure that members of the public receive fair and accountable treatment from their municipality and when that does not occur, to make recommendations for improvement.

Complaints may be made to our office once a complainant has gone through the municipality's internal complaint system and the complainant is unsatisfied with the outcome. Where we see potential for resolution, we will act as a go-between and mediate the issues to help reach a resolution satisfactory to all parties. Where resolution is not possible, we will investigate the complaint and may recommend the municipality take certain action.

It is important to understand that we do not replace decision-makers with our own recommendations and it is not our goal to impose our decisions on the municipality. Instead, we endeavour to ensure that the process is working as it should and we provide a neutral third-party oversight in this regard. Our work as an independent office attempts to promote fair treatment and works to ensure the right people are taking ownership and action.

Over the next year we will continue to work hard to carry out our important responsibilities and do our best to ensure both municipal officials and members of the public are aware of our services and that they can call on us for assistance when required.

April Schulze

Ombudsman

ADR CHAMBERS OMBUDS OFFICE

## ADR CHAMBERS OMBUDS OFFICE TEAM

ADR Chambers Ombuds Office is headed by the Ombudsman, April Schulze. April was called to the Alberta bar in 2008 and the Ontario bar in 2015 and, prior to joining ADR Chambers Ombuds Office, she practiced civil litigation with private law firms in both Calgary and Grande Prairie, Alberta.

The Ombudsman is supported by a Deputy Ombudsman, Peter Maniatakis, as well as an Intake Officer.

Additionally, ADR Chambers Ombuds Office has a roster of experienced investigators, who also have experience in law, dispute resolution, and complaint handling.

ADR Chambers Ombuds Office and its staff act in compliance with accessibility, privacy legislation, obligations of confidentiality, and applicable codes of conduct.

## WHAT WE DO

ADR Chambers Ombuds Office reviews complaints brought by members of the public about the Municipality of Durham. If a complainant is dissatisfied with the provision of services, a decision or recommendation made by the Municipality in the administration of municipal services, and the complainant has gone through the Municipality's internal complaint system and is not satisfied with the outcome, they may escalate their complaint to the ADR Chambers Ombuds Office. People may contact our office by phone, online and through the mail.

We investigate complaints with a view to resolving them either by agreement among the parties, or by issuing a report with analysis and conclusions, including any recommendations.

ADR Chambers Ombuds Office ensures all investigations are conducted in a fair, neutral, independent and confidential manner while respecting the rights and time constraints of the individuals involved.

### Types of Complaints

The types of complaints that may be submitted by complainants are varied, including complaints about the denial of services or the failure to provide a proper quality of service; complaints that the Municipality has made a decision that is not within their legal power to make; complaints that the Municipality has not followed the appropriate procedures in reaching a decision; and complaints that the Municipality has failed to take a certain action that it is required to take under its rules, procedures or by-laws.

### Process

Upon receiving a complaint, ADR Chambers Ombuds Office first considers whether it has the jurisdiction to investigate the complaint.

### Situations where ADR Chambers Ombuds Office Will Not Investigate

There are certain matters that are not within our mandate to investigate. These include:

- Matters that are not within the jurisdiction of the Municipality of Durham
- Complaints regarding the conduct of Municipality Councillors and closed meetings of Municipality Council
- Complaints regarding any decision, recommendation, act or omission of any person acting as a legal adviser to the Municipality or acting as counsel to them in relation to any proceedings
- Matters for which there is a right of appeal, under an Act, to a court or tribunal, unless this right has been exercised or the time to exercise this right has expired

We also cannot investigate where a complainant has not exhausted the Municipality's internal complaint procedures or where more than 12 months have elapsed from the completion of the Municipality's complaint process, unless the Complainant can establish that there were exceptional circumstances justifying the delay.

There are other circumstances where we may decide not to investigate, such as cases where the subject matter of the complaint is trivial or the complaint is frivolous or vexatious, or where we believe that having regard to all of the circumstances of the case, no further investigation is necessary.

If ADR Chambers Ombuds Office does not investigate a complaint for one of the above reasons, the complainant will be notified of this decision in writing and reasons will be provided. Whenever possible, referral information will also be provided.

#### Complaints Within ADR Chambers Ombuds Office's Mandate

In cases where ADR Chambers Ombuds Office decides that it has the mandate to investigate, the Complainant and the Municipality are informed of the decision and the file is assigned to an investigator.

The investigator reviews the file and first considers whether a mediated resolution might be possible. Where possible, the investigator will seek to mediate a resolution. Where no resolution is possible, the investigator will proceed to gather information and ultimately draft a report containing a description of the complaint, the Ombudsman's findings, and a conclusion and recommendation.

In certain instances, such as cases where the Ombudsman concludes that the Municipality has acted appropriately, the report will indicate that the Ombudsman does not recommend that the Municipality take any action.

In other cases, the Ombudsman will recommend that the Municipality take certain action(s) to remedy a situation. Recommendations seek to achieve a satisfactory resolution of the complaint, however, all recommendations are non-binding.

Draft reports are submitted to the Ombudsman, who reviews the reports, along with another senior staff member. The reports are then circulated to both the Complainant and the Municipality, who are invited to provide comments. The Ombudsman and the investigator consider the comments and make any necessary changes to the report. The final report is then provided to both parties.

## 2017 COMPLAINTS

ADR Chambers Ombuds Office received 19 contacts about the Regional Municipality of Durham. Contacts are instances when complainants contact ADR Chambers Ombuds Office, either by phone or through correspondence, expressing a possible interest in filing a Complaint and seeking information regarding the process. Complaints are not opened until we have a completed and signed Complaint Submission Form.

Of the 19 contacts regarding the Municipality, 6 complainants were referred to the Municipality, as complainants are first required to bring their complaint to the Municipality before escalating them to the ADR Chambers Ombuds Office, and 4 complainants were referred elsewhere.

Additionally, of the 19 contacts, 3 complainants have been advised that we require a Complaint Submission Form to be completed and submitted in order to proceed with their complaints, however, they have yet to submit the completed forms. Complaint Submission Forms are necessary in order to determine whether the complaint is within our mandate and to ensure that all parties are aware of and are prepared to abide by the confidentiality requirement.

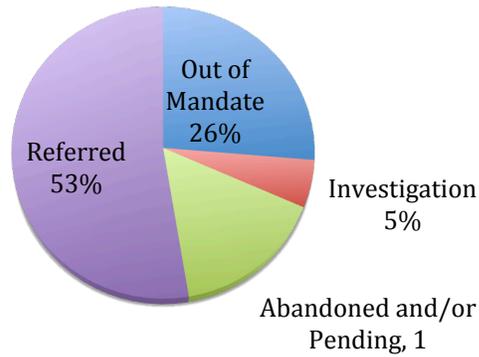
Out of the 19 contacts, 6 resulted in a Complaint file being opened. Five of these were deemed to be outside our mandate and an Initial View letter was issued. These complaints were outside our mandate for a variety of reasons, including that we do not have jurisdiction to review complaints regarding the Durham District School Board or Durham Region Housing, and that we do not investigate matters that are the subject of litigation. The other complaint, which was about Durham Region Transit door-to-door service availability, was assigned for investigation. However, the complainant later requested that the complaint be closed, as they were moving out of Durham and the complaint was therefore moot.

There was no active investigation at the time this Annual Report was published.

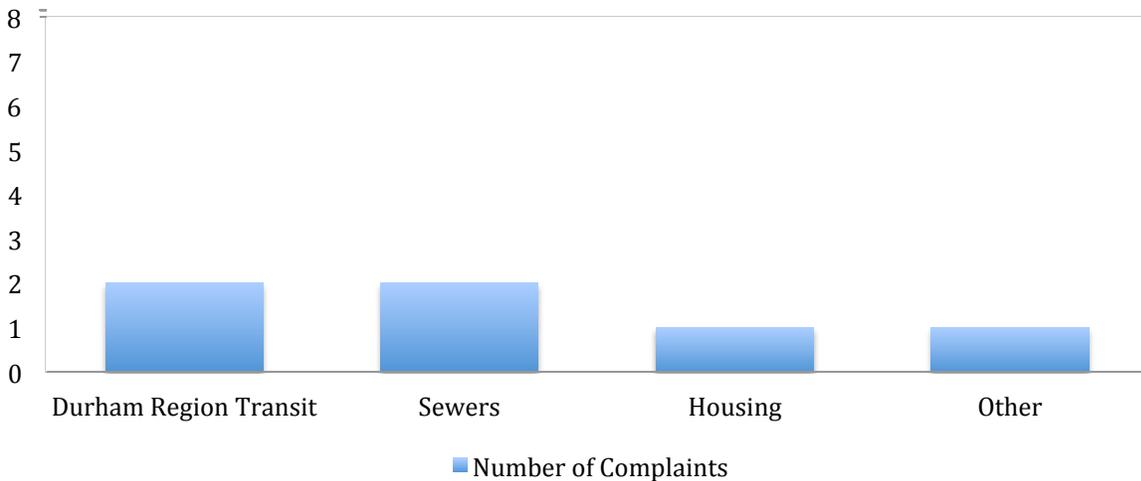
## STATISTICS

Out of the 19 complaints made to our office, 10 were referred elsewhere, 3 potential Complaints are pending the return of our intake documents, 5 were outside our mandate, and 1 complaint was opened and assigned to investigation.

### Contacts



### Subject Matter of Complaints Received in 2017



# ADR CHAMBERS OMBUDS OFFICE CONTACT INFORMATION

## **ADR Chambers Ombuds Office**

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ADR Chambers Ombuds Office